IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRTY FIRST DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO: 15532 of 2004

Between:

Smt.Uppada Bharathi, W/o.Ramaiah,
R/o.Kotabhommali Village & Mandal, Srikakulam Dist.

... PETITIONER

AND

1 The Govt.of A.P.,rep.by its Prl.Secretary, Dept., of

Revenue, Secretariat of A.P., Hyderabad.
2 The Dist.Collector, Srikakulam, Srikakulam Dist.
3 The M.R.O., Kotabommali Mandal, Srikakulam Dist.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or direction or order more particularly one in the nature of writ of mandamus declaring the letter Rc.No.381/2002/ SWLA, Dt.27-1-2003 of the 2nd Respondent stating that the acquired land was mentioned in the Notification issued under section 4(1) of Land Acquisition Act wrongly as Hec.0.70 instead of Hec.1.07 due to typographical mistake with reference to the Notification U/s.4(1) of Land acquisition Act in R/Dis. 192/82, dated 15-10-1982 to the extent of the acquired land of the petitioner as arbitrary, illegal and unjust and consequently direct the respondents either to issue fresh notification with reference to the acquired land or in alternative resume the rest of land to the petitioner out of Hectares 1.07 in Sy.No.268/8, situated at Kotabomalli village & Mandal, Srikakulam Dist. in the interest of justice.

Counsel for the Petitioner: MR.R.K.SURI

Counsel for the Respondents: GP FOR REVENUE

The Court at the admission stage made the following:

ORDER:

Admittedly, Award No.13 was passed as early as on 30-12-1983 and a supplementary award to the said effect was also passed in Award No.17/84-85 dated 10-03-1985. In the said award, the land acquired was mentioned as Hec.1.07.0, but not an extent of Hec.0.70 as claimed by the landowner and compensation for the acquired land appears to have also been paid to her on 20-06-2002 by the Mandal Revenue Officer. But, when the said award was passed, no evidence is forthcoming whether the petitioner claimed compensation for Hec.1.070 during the course of award enquiry. If the said claim is not accepted, the remedy of the petitioner is to seek reference under Section 18 of the Land Acquisition Act (for short 'the Act'). But, petitioner, without seeking reference under Section 18 of the Act for true determination of the area which is acquired and compensation for the same, sent representation on 04-08-1997, which was replied on 27-01-2003 informing that the supplementary award dated 10-03-1985 clearly reveals that an extent of Hec.0.70 was claimed by the petitioner and compensation was also paid. Petitioner now files the present Writ Petition for issuance of notification under Section 4(1) of the Act for the remaining extent of the land and for payment of compensation, which in fact was already paid by the respondents in the supplementary award. In view of the same, I see no grounds to entertain this Writ Petition at this belated stage and it is accordingly dismissed. No costs.

_____

A. **GOPAL REDDY, J**

August 31, 2004

MRR/MURTHY

1 The Govt.of A.P.,rep.by its Prl.Secretary, Dept., of Revenue, Secretariat of

A.P., Hyderabad.
2 The Dist.Collector, Srikakulam, Srikakulam Dist.
3 The M.R.O., Kotabommali Mandal, Srikakulam Dist.

4 Two C.C. s to the G.P for Revenue, High Court Buildings, Hyderabad

(OUT)

5 Two C.D. Copies.